

Arkansas, Inc.

News for Arkansas Corporations from Secretary of State Charlie Daniels

Volume 5, Issue 3 ♦ September 2008

www.sos.arkansas.gov

Franchise tax education contribution increases

The Business and Commercial Services Division (BCS) closed the 2008 fiscal year with collections totaling over \$20.6 million in franchise taxes. Over \$12.6 million was sent to Arkansas Educational Adequacy Fund for the fiscal year, a substantial increase over the previous fiscal year.

Arkansas statute directs all franchise tax collections over \$8 million each fiscal year to the Educational Adequacy Fund.

Late taxes are still arriving by mail and being processed daily. Within three months after the May 1 franchise tax deadline, 92 percent of taxes received had been processed.

Some filings are received online with automated updates, while the remaining submissions are processed through other automated programs.

Being proficient in processing tax filings is crucial to the state's budget and is one of the biggest challenges the BCS staff faces each year. Hard work and streamlined automated programs aid in expediting the processing of tax records, thus allowing for increased funds to be presented each year.

For the 2008 fiscal year, the contribution to the Educational Adequacy Fund increased by approximately \$234,000 over the deposit for fiscal year 2007.



Secretary of State Charlie Daniels

This issue of *Arkansas, Inc.*, provides details about registering a trademark and corporate responsibilities. As business leaders, it is important to stay abreast of issues and laws affecting our state.

We were pleased to have our summer interns throughout the Secretary of State's Office this summer. The interns in BCS assisted in processing franchise taxes which support the state's Educational Adequacy Fund, as well as the General Fund. It is imperative that these taxes are processed quickly to meet the fiscal year-end deadline of June 30. This year's taxes yielded over \$20.6 million, an increase over last year. I commend the interns for their dedication and hard work. The extra hands in the office allowed regular employees to stay on top of corporate filings, trademarks, notary commissions and normal office procedures.

The deadline for filing the newly-required nonprofit annual report was August 1. However, if you missed this deadline, please submit the form ([See LETTER, page 2](#))



BCS hosted high school and college interns during the summer months. Pictured are (front): BCS Director Charolett Martin, interns Lillie Peterson, Megan Childress, Joya Hampton, Federica Gill, Brendacia Butler, Secretary of State Charlie Daniels; (back): Eugene Brannon, Ryan Green, Gregory Steinsiek, Mitchell Dedmen, and William Douthard. Not pictured are Caroline Guerra and Kelsey Newman.

Business and Commercial Services**Frequently Asked Questions**

Q. When doing business with your office, to whom do I make my check payable?

A. Make checks payable to the Arkansas Secretary of State.

Q. What is your physical address?

A. 1401 Victory, Suite 250, Little Rock. We are two blocks east of the Capitol Building in the Victory Building.

Q. I do not want to incorporate but I would like to register my DBA (doing business as) name with the Secretary of State's office. How do I do this?

A. To register a fictitious name (DBA) you must first be a corporation registered with the state. A sole proprietorship or partnership may register its name with the county clerk.

Q. Is the name of a company in a revoked status available to another company?

A. No, that name is not available until the company is either dissolved by the original owner or administratively dissolved per statute.

Q. What steps are involved in dissolving my corporation or LLC?

A. To dissolve a corporation or LLC, make sure all taxes are current. You must file a final report along with the articles of dissolution. All forms and fee amounts are available on our website, www.sos.arkansas.gov, or you may contact our office at 501-682-3409 for information.

Q. What are the annual requirements for my corporation/LLC?

A. An annual franchise tax report is due by May 1 of each year. Also, all changes made to the original articles must be recorded in our office.

Q. How do I renew my notary commission?

A. There is no renewal process, as such. A new bond must be obtained through a bonding company, and a new application must be submitted, along with the filing fee, to the Secretary of State's office.

Q. How will I receive verification of my online filing?

A. This office will mail a file-marked copy of the online filing. The Information Network of Arkansas will send via e-mail a verification of receiving the payment, but this is **not** proof of filing. This is simply a receipt and notification that the filing was submitted to this office.

Q. Why does my corporation status show revoked on your website?

A. Normally this is a failure to complete all necessary franchise tax obligations.

Q. What are the Secretary of State's office hours?

A. Our office is open from 8 a.m. to 5 p.m. Monday through Thursday, and 8 a.m. to 4:30 p.m. on Fridays.

Have a question? E-mail us: Business and Commercial Services at corporations@sos.arkansas.gov.

Protect your business with a trademark

You have a great business: a wonderful product or a fantastic service. You've developed a symbol that your customers associate with you and your business. It's unique; it's catchy – and it's not protected by law. Another company could like your symbol or motto and adopt it as its own.

You can protect it by filing a trademark or service mark with the Secretary of State Business and Commercial Services Division. A trademark is associated with a product; a service mark is tied to a specific service or slogan.

A trademark is a word, phrase, symbol or design used to differentiate the source of goods of one party from another. A service mark pertains exclusively to services. Trademarks

typically appear on the labeling or packaging of a product, while a service mark appears in advertising for that service. Often, though, the term "trademark" is used to refer to both trademarks and service marks.

A trademark is not a patent or a copyright. A patent is used to protect an invention, like a better mousetrap. A copyright protects an artistic or literary work, for example a song or a news article.

Trademarks can be registered with the federal government. A circled R (®) shows that the trademark is federally registered with the United States Patent and Trademark Office (USPTO, at www.uspto.gov).

See TRADEMARKS, page 3

LETTER, continued from page 1

now. We are still accepting and processing the reports in order to update our list of nonprofit corporations actively operating in the state of Arkansas. There is no filing fee associated with this report. You may print the blank form from our website, www.sos.arkansas.gov.

On the back page of this newsletter, you'll find the upcoming fall notary class schedule. Each year enrollment in the spring and fall notary classes continues to increase. It is rewarding to know that people are interested in sharpening their skills when it comes to notary law.

If you would like to know more about a particular business topic, please e-mail my office at corporations@sos.arkansas.gov. We welcome hearing from the business community we serve.

NOTARY CORNER



Following is a glossary of terms notaries public may encounter as they perform their notarial duties:

Acknowledge: Admitting the existence or truth of a statement and accepting

responsibility.

Acknowledgment: A formal declaration made to authoritative witness by the person who executed the document that it was freely executed.

Acknowledgment Certificate: A formal statement, affixed to an agreement, signed and sealed by an authorized official, such as a notary public, that states in a form, usually prescribed by law, that the official took the acknowledgment of the person who signed the agreement.

Administer: To give or apply in a formal way.

Affiant: One who makes a swearing statement in an affidavit.

Affidavit: A written declaration

made under oath before a notary public or other authorized officer.

Affix: To secure an object to another; to attach; add to, as in affixing a notary certificate or seal to a document.

Apostille: Authentication members. Apostilles are often requested for notarized documents that are to be submitted to a foreign country.

Errors and Omission Insurance: An insurance policy issued to a notary to provide protection against financial claims resulting from "honest mistakes."

Jurat: An affidavit declaring when, where, and before whom it was sworn.

L.S. - Indicates where the official notary seal imprint is to be placed. The abbreviation stands for the Latin term *Locus Sigilli* which means "place of the seal."

Notary Journal: An official record book of notarizations performed by a notary. All entries should be in chronological order and have all required fields completed at

the time of notarization. It must be kept under the direct and exclusive control of the notary and kept in a secure area. Notary journals are not required by the State of Arkansas but are recommended.

Notary Signing Agent: A notary public that is trained to do loan document signings. This type of training is usually provided by a notary association or organization.

S.S. or SCT: Indicates where the notarization is performed. Latin term *Silicet* means "in particular" or "namely." This abbreviation is commonly referred to as jurisdiction or venue.

Subscribe: To sign one's name in attestation, testimony, or consent.

Venue: The locale where a cause of action occurs. The venue indicates the state and county where a notarization takes place.

Witness: A person who watches an action take place. A witness may or may not be a notary.

For additional information on these or other notary terms, please contact the Secretary of State's Legal Division at 501-682-3012.

TRADEMARKS, continued from page 2

Arkansas Code 4-71-201 sets out the trademark law for Arkansas.

Corporations or individuals may register a trademark. Corporations must be in "good standing" to register a mark.

You must provide three *original* specimens or examples of the mark in actual use – a letterhead, product label, business card, etc., or a photograph of signs using the mark.

Specific guidelines for trademarks prohibit certain art, including deceptive, immoral or misleading marks, flags, coats of arms or other governmental

insignia, nor can a trademark be confusingly similar in appearance to any other company's trademark.

All forms and guidelines for registering a trademark or service mark are available on the Secretary of State's website, www.sos.arkansas.gov, under the Business and Commercial Services menu. The various fees appear on the appropriate forms.

For more information about registering a trademark or service mark, e-mail corporations@sos.arkansas.gov or call 501-682-3409 or toll-free at 888-233-0325.

**Need a speaker
for your next
meeting?**

**Contact
Secretary of State
Business and
Commercial Services
(501) 682-3409**

Fall 2008 Notary Education tour coming to a town near you

Once again our office is gearing up to tour the state providing free notary public education. We begin in September and go through November by traveling to all corners of our state and everywhere in between.

Check the schedule below to see when we'll be in your town. We offer three registration options for your convenience: you may register online at www.sos.arkansas.gov, by e-mail at jarrod.johnson@sos.arkansas.gov, or by calling our office at 501-682-3409 or toll free, 888-233-0325.

Sept. 4: Bentonville – 3:30 p.m.

Sept. 29: Helena – 3:30 p.m.

Oct. 23: Warren – 3 p.m.

Sept. 5: Lowell – 9:30 a.m.

Springdale – 1:30 p.m.

Sept. 30: West Memphis – 9 a.m.

Forrest City – 1 p.m.

Oct. 24: Monticello – 9 a.m.

Pine Bluff – 2 p.m.

Sept. 8: Texarkana – 3 p.m.

Oct. 8: Little Rock – 9 a.m.

and 1 p.m.

Sept. 9: Hope – 9:30 a.m.

Arkadelphia – 1:30 p.m.

Oct. 9: Fort Smith – 3:30 p.m.

Nov. 6: Berryville – 3:30 p.m.

Sept. 10: Little Rock – 9 a.m.

and 1 p.m.

Oct. 10: Clarksville – 9 a.m.

Russellville – 1 p.m.

Nov. 7: Eureka Springs – 9 a.m.

Fayetteville – 2 p.m.

Sept. 17: Lake Village – 3:30 p.m.

Oct. 16: Paragould – 3:30 p.m.

Sept. 18: McGehee – 9 a.m.

Dumas – 2 p.m.

Oct. 17: Jonesboro – 9 a.m.

Searcy – 2 p.m.

Nov. 12: Little Rock – 9 a.m.

and 1 p.m.



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